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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,039	12/04/2001	Yoichi Iwata	TTC-11702/08	9507

25006 7590 03/23/2006

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EXAMINER

NGUYEN, KHAI MINH

ART UNIT PAPER NUMBER

2617

DATE MAILED: 03/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/005,039	Applicant(s) IWATA, YOICHI	
	Examiner Khai M. Nguyen	Art Unit 2687	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 11-21 is/are pending in the application.
 4a) Of the above claim(s) 8-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 11-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-7, 11-21 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-7, 11-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Crosby et al. (U.S.Pat-6628928).

Regarding claim 1, Crosby teaches a method of ordering a product or service promoted on a broadcast transmitted by a broadcast station (col.1, lines 13-56), said method comprising the steps of:

receiving a broadcast signal from the broadcast station (fig.1, abstract, col.5, line 66 to col.6, line 41), wherein the broadcast signal includes a promotion for a product or a service (col.1, lines 13-56, col.5, line 66 to col.6, line 41);

selectively activating a client terminal to procure the product or service (abstract), wherein the product terminal includes a transceiver, a processor and a signal indicator (fig.1, abstract, col.6, lines 42-64);

transmitting a signal to a remotely located service center (fig.1, col.7, lines 27-61), said signal having a client identification information (fig.1, col.7, lines 27-61), a frequency of said the broadcast (fig.1, col.7, lines 27-61), a location where said the broadcast was received (fig.1, col.7, lines 27-61), and a time during the broadcast when the client terminal was selectively activated (fig.1, col.7, lines 27-61);

identifying said the broadcast station using the frequency and the location (fig.1, col.3, lines 12-58, col.7, lines 27-61);

determining the product or said service promoted on the identified broadcast station using the time (fig.1, abstract, col.3, lines 12-58); and

automatically ordering the determined product or service (abstract).

Regarding claim 2, Crosby teaches the method of claim 1, wherein said step of determining step the product or service further includes accessing a station log maintained by the broadcast station to identify a provider of the product or service (fig.1, abstract, col.3, lines 12-58, col.7, lines 27-61).

Regarding claim 3, Crosby teaches the method of claim 2, wherein said ordering step includes contacting said the provider of the product or service to order the product or service (fig.1, abstract, col.3, lines 12-58, col.7, lines 27-61).

Regarding claim 4, Crosby teaches the method of claim 1, wherein said ordering step includes communicating that the product or service has been ordered (fig.1, abstract, col.3, lines 12-58, col.7, lines 27-61).

Regarding claim 5, Crosby teaches the method of claim 1, further including the step, of determining the location where the broadcast was received and the time when

the broadcast is received with a global positioning system unit, prior to the step of selectively activating the client terminal (fig.1, abstract, col.7, lines 27-61).

Regarding claim 6, Crosby teaches the method of claim 5 wherein the signal indicator is a switch on the client terminal (col.7, line 63 to col.8, line 47).

Regarding claim 7, Crosby teaches the method of claim 1, further including the step of identifying the client terminal by the service center after the step of transmitting the signal (col.7, line 63 to col.8, line 47).

Regarding claim 11, Crosby teaches the method of claim 1, wherein said client terminal includes said the global positioning system unit and the receiver (fig.1, col.6, lines 42-64).

Regarding claim 12, Crosby teaches the method of claim 11, wherein the client terminal is mounted to a vehicle (fig.1, col.5, line 66 to col.6, line 41).

Regarding claim 13, Crosby teaches a system for ordering a product or service promoted by a broadcast station during a broadcast received on a broadcast receiver (col.1, lines 13-56), said system including;

a service center for ordering a product or service (fig.3-6, col.8, line 59 to col.9, line 41), wherein said service center includes a receiver and a database containing client information (fig.3-6, col.3, lines 12-58, col.8, line 59 to col.9, line 41);

a client terminal for selecting the product or service promoted during the broadcast and having an electronic control unit (abstract), a switch and a transmitter (col.7, line 63 to col.8, line 47), wherein said client terminal is operatively connected to said broadcast receiver to obtain a frequency of the broadcast station to which said

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receiver is tuned (col.7, line 63 to col.8, line 47), and said electronic control unit is operatively connected to a global positioning system unit to receive determine a location of said global positioning system unit (col.6, lines 42-64), a time associated with, selecting the product or service and said switch is selectively operated to send a signal to said service center by said transceiver (col.7, line 63 to col.8, line 47), containing a client terminal identifier, said location, said associated time and said broadcast station frequency (col.6, lines 42-64);

a log containing a broadcast record maintained by the broadcast station for identifying the selected product or service promoted during said broadcast at the associated time so that the service center can order the identified product or service (fig.1, col.3, lines 12-58, col.7, line 63 to col.8, line 47); and

a communication link interconnecting said service center, said client terminal and said log (fig.1, col.3, lines 12-58, col.7, line 63 to col.8, line 47).

Regarding claim 14, Crosby teaches the system of claim 13, further including a communication link between said service center and a provider of the good or service (fig.1, abstract, col.3, lines 12-58, col.7, line 63 to col.8, line 47).

Regarding claim 15, Crosby teaches the system of claim 13, wherein said client terminal is mounted to a vehicle (fig.1, col.5, line 66 to col.6, line 41).

Regarding claim 16, Crosby teaches the system of claim 13, wherein said switch is a push button (fig.2, col.6, line 65 to col.7, line 26).

Regarding claim 17, Crosby teaches a method of ordering a product or service promoted on a broadcast transmitted by a broadcast station (col.1, lines 13-56), said method comprising the steps of:

receiving a broadcast signal from the broadcast station (fig.1, abstract, col.5, line 66 to col.6, line 41), wherein the broadcast signal includes a promotion for a product or a service (col.1, lines 13-56, col.5, line 66 to col.6, line 41);

selectively activating a client terminal to procure the product or service (abstract), wherein the product terminal includes a transceiver, a processor and a signal indicator (fig.1, abstract, col.6, lines 42-64);

transmitting a signal to a remotely located service center (fig.1, col.7, lines 27-61), said signal having a client identification information, a frequency of the broadcast (fig.1, col.7, lines 27-61), a location where the broadcast was received (fig.1, col.7, lines 27-61), and a time during the broadcast when the client terminal was selectively activated (fig.1, col.7, lines 27-61);

identifying the broadcast station using the frequency and the location (fig.1, col.3, lines 12-58, col.7, lines 27-61);

determining the product or service promoted on the identified broadcast station by accessing a station log maintained by the broadcast station to identify a provider of product or service, and using the time (fig.1, col.3, lines 12-58, col.7, lines 27-61); and
automatically ordering the determined product or service (abstract).

Regarding claim 18, Crosby teaches the method of claim 17, wherein said ordering step includes contacting the provider of the product or service to order the product or service (fig.1, abstract, col.3, lines 12-58, col.7, lines 27-61).

Regarding claim 19, Crosby teaches the method of claim wherein said ordering step includes communicating that the product or service has been ordered (fig.1, abstract, col.3, lines 12-58, col.7, lines 27-61).

Regarding claim 20, Crosby teaches the method of claim 17, further including the step of determining the location where the broadcast was received and the time when the broadcast is received with a global positioning system unit (fig.1, col.3, lines 12-58, col.7, lines 27-61), prior to the step of selectively activating the client terminal (fig.1, abstract, col.6, lines 42-64).

Regarding claim 21, Crosby teaches the method of claim 17, further including the step of identifying the client terminal by the service center after the step of transmitting the signal (col.7, line 63 to col.8, line 47).

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khai M. Nguyen whose telephone number is 571.272.7923. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George En can be reached on 571.272.7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Khai Nguyen
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3/17/2006


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SUPERVISORY PATENT EXAMINER